

**REMARKS**

Claims 11-20 are pending. By this Amendment, claims 11, 13, 14, 17 and 20 are amended. The claims are amended for clarity, thus no new matter is added.

The courtesies extended to Applicants' representative by Examiners Han and Yuan at the interview held April 9, 2010, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' separate record of the interview.

In view of the foregoing amendments and the following remarks, reconsideration and allowance of the claims are respectfully requested.

**I. Rejections Under 35 U.S.C. §112**

The Office Action rejects claims 13, 14 and 17 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse the rejection.

Specifically, the Office Action asserts that the phrase "possibly" in claims 13 and 14 renders the claim indefinite. By this Amendment, claims 13 and 14 are amended to obviate the rejection.

Regarding claim 17, the Office Action asserts that the phrase "formed by the electronic conductive element" is indefinite. By this Amendment, the claim is amended to obviate the rejection.

In view of the foregoing, reconsideration and withdrawal of the rejection are respectfully requested.

**II. Rejection Under 35 U.S.C. §102**

The Office Action rejects claims 11-13 and 15-20 under 35 U.S.C. §102(b) over WO 02/35633 to Jaouen ("Jaouen"). Applicants respectfully traverse the rejection.

Claim 11 recites, *inter alia*, "Alkali fuel cell comprising a solid stack consisting of a first electrode, a hydroxide ion conducting solid membrane, and a second electrode, wherein

each of the first electrode and the second electrode comprise an active layer that is in contact with the solid membrane, the material forming the active layer of each of the first electrode and the second electrode comprises at least a catalytic element, an electronic conductive element and an element conducting hydroxide ions ..." Jaouen does not anticipate at least the above features of claim 11.

The Office Action asserts that Jaouen discloses an alkali fuel cell comprising an anode, a cathode and a hydroxide ion conducting solid membrane wherein the electrodes form an active layer that is in contact with the solid membrane. See Office Action, page 3. However, as discussed during the personal interview, Jaouen does not disclose a fuel cell wherein each of a first electrode and a second electrode comprise an active layer that is in contact with the solid membrane and where each of the first electrode and the second electrode comprises an element conducting hydroxide ions. At most, Jaouen discloses that the cathode may conduct hydroxide ions, but Jaouen does not disclose that each of a first and second electrode contains an element conducting hydroxide ions, as recited in claim 11. Thus, Jaouen does not disclose each and every feature of claim 11.

For at least the reasons stated above, claim 11 is not anticipated by Jaouen. The remaining claims variously depend from claim 11 and likewise are not anticipated. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### **III. Rejections Under 35 U.S.C. §103**

The Office Action rejects claim 14 under 35 U.S.C. §103(a) over Jaouen and further in view of U.S. Patent No. 4,374,924 to Yokoyama et al. ("Yokoyama"). Applicants respectfully traverse the rejection.

For at least the reasons presented above, and as discussed during the personal interview, Jaouen does not disclose that each of a first electrode and a second electrode contain an element conducting hydroxide ions. Further, Jaouen does not provide any reason

or rationale for one of ordinary skill in the art to have modified its disclosure to have included each of a first electrode and a second electrode having an element conducting hydroxide ions. Specifically, Jaouen does not provide any benefit or desirability for modifying its fuel cell to include each of a first electrode and a second electrode containing an element conducting hydroxide ions and, thus, at least this feature of claim 11 would not have been rendered obvious by Jaouen.

Further, Yokoyama does not address the above discrepancy of Jaouen as to claim 11. Yokoyama is merely applied as allegedly disclosing an anti-static layer comprising a polymer. See Office Action, page 5. Yokoyama also does not provide any reason or rationale for one of ordinary skill in the art to have modified the fuel cell of Jaouen to have included each of a first electrode and a second electrode containing an element conducting hydroxide ions, as recited in claim 11. Therefore, Jaouen and Yokoyama, individually or in combination, would not have rendered obvious at least this feature of claim 11.

Claim 11 would not have been rendered obvious by Jaouen and Yokoyama, individually or in combination. Claim 14 ultimately depends from claim 11 and likewise would not have been rendered obvious by Jaouen and Yokoyama, individually or in combination. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:NAB/rle

Attachment:  
Petition for Extension of Time

Date: April 21, 2010

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